

Notice of Allowability

Application No.

09/829,436

Examiner

Rob Rhode

Applicant(s)

I'ANSON ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief of 12/1/05.
2. ☒ The allowed claim(s) is/are 1 - 5, 7, 11 - 12, 14 - 16, 21 - 22, 29 - 30 and 42 - 45.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/892,436.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

Response, Appeal Brief, received on 11/21/2005 is acknowledged and entered as well as claims 6, 8 – 10, 13, 17 – 20, 23 – 28 and 31 – 34 have been canceled.

Currently, claims 1 – 5, 7, 11 – 12, 14 – 16, 21 - 22, 29 – 30 and 42 - 45 have been examined and are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Noranbrock on 1/10/2006.

The application has been amended as follows:

In the Claims

Claims 1 and 21 have been rewritten as follows:

1: A shopping assistance service method, comprising the steps of:

(a) capturing information, by a user using a mobile device, about an item of interest at a business premises where the item is being offered ~~by a user using a mobile device~~ and sending ~~the~~ said information, at the time of capture, to a service system over a communication link including a mobile radio infrastructure;

(b) at the service system:

(i) receiving the information,

(ii) determining a physical location associated with ~~the~~ said information, and

(iii) processing ~~the~~ said information to identify at least the type of

item of interest; and

(c) delivering to said user at least one of comparative-pricing and availability data for items of the type identified in step (b) for other business premises relative to said physical location, said data being categorized into zones of different physical accessibility of the business premises ~~concerned from said~~ as they relate to the physical location of the user, the delivering step being over a communication link originating at the service system and including a mobile radio infrastructure.

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Claim 21: A shopping-assistance service system, comprising:

a receiving subsystem ~~for receiving from a user~~ offer information about an item of interest ~~on an offer from a user using a mobile device physically located~~ at a business premises;

a processing subsystem for processing ~~the~~ said information to identify at least the type of said item of interest;

a location-determining subsystem for determining a physical location associated with the received said offer information and the physical location of the user;

a task subsystem for obtaining, for the type of item identified by the processing subsystem, at least one of comparative-pricing and availability data with respect to other business premises, the task subsystem being arranged to categorize said data according to zones of different physical accessibility of the business premises as they relate to the ~~concerned from~~ said physical location of the user; and

an output subsystem for sending the categorized data to the user.

Reasons for Allowance

The invention claimed in the independent claims is distinguished from prior art of record, which contains no teachings of the method and system disclosed by Treyz. To begin with, Treyz discloses and teaches a method and system for shopping assistance service, which a handheld device can be used. Treyz further teaches a method and system to handle a shopping list as well as provide directions. Moreover, Treyz can respond to search quires regarding an item from a user and the shopping assistance service will provide in return a display of similar items, which are available at nearby stores as well as online stores. In addition, the respond will include price

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and availability of the items at these various off line and online stores but does not teach a categorization of the items of interest in terms of zones of physical access. Thereby, Treyz does not teach a method and system for said data being categorized into zones of different physical accessibility of the business premises as they relate to the physical location of the user. In that regard, Treyz does not teach or suggest to one of ordinary skill that the differences between the subject matter recited in independent claims 1 and 21 and the prior art are such that the subject matter as whole was anticipated or would have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the invention claimed in independent claims 1, and 21 are distinguished from prior art of record by the fact that a method and system of a shopping assistance service capable of (c) delivering to said user at least one of comparative-pricing and availability data for items of the type identified in step (b) for other business premises relative to said physical location, **said data being categorized into zones of different physical accessibility of the business premises as they relate to the physical location of the user**

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claims 1, 16 and 31:

A. US Patents and PG-Pubs.

(i) US 6,587,835 B1 to Treyz discloses and teaches a method and system for shopping assistance service, which a handheld device can be used. Treyz further teaches a method and system to

handle a shopping list as well as provide directions. Moreover, Treyz can respond to search queries regarding an item from a user and the shopping assistance service will provide in return a display of similar items, which are available at nearby stores as well as online stores. In addition, the respond will include price and availability of the items at these various off line and online stores. However, Treyz does not disclose or teach or suggest to one of ordinary skill a method and system a shopping assistance service capable of (c) delivering to said user at least one of comparative-pricing and availability data for items of the type identified in step (b) for other business premises relative to said physical location, said data being categorized into zones of different physical accessibility of the business premises as they relate to the physical location of the user. Thereby, this online method, medium and system disclosed by Treyz fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 6,542,812 B1 to Obradovich discloses a method and system for an a navigation device, which uses a profile or profiles to establish the persona f the individual. For example, the user may have stored a business persona, which could include fine dining within a certain distance of the user route of travel. However, Obradovich does not disclose or teach or suggest to one of ordinary skill a method and system of a shopping assistance service capable of (c) delivering to said user at least one of comparative-pricing and availability data for items of the type identified in step (b) for other business premises relative to said physical location, said data being categorized into zones of different physical accessibility of the business premises as they relate to the physical location of the user. Thereby, this online method, medium and system disclosed by Obradovich fails to anticipate the above bolded unique limitations or render them obvious.

B. Non Patent Literature

(iii) “R. R. Donnelley and Cincinnati Bell to research electronic yellow pages product”; Duanne Dan; PR Newswire; New York; Jun 03, 1993 (hereafter referred to as “Pages”) discloses and teaches a prototype product that will allow users to locate services by name, address, and phone numbers as well as business category and geographic proximity. However, Pages does not disclose or teach or suggest to one of ordinary skill a method and system of a shopping assistance service capable of (c) delivering to said user at least one of comparative-pricing and availability data for items of the type identified in step (b) for other business premises relative to said physical location, said data being categorized into zones of different physical accessibility of the business premises as they relate to the physical location of the user. Thereby, this online method, medium and system disclosed by Pages fails to anticipate the above bolded unique limitations or render them obvious.

C. Foreign Patent Literature

(iv) JP 2001236413 to Tokyo Electric discloses a method and system for comparison of prices for goods located at other shops. However, Tokyo Electric does not disclose or teach or suggest to one of ordinary skill a method and system for a shopping assistance service capable of (c) delivering to said user at least one of comparative-pricing and availability data for items of the type identified in step (b) for other business premises relative to said physical location, said data being categorized into zones of different physical accessibility of the business premises as they

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relate to the physical location of the user. Thereby, this online method, medium and system disclosed by Tokyo Electric fails to anticipate the above bolded unique limitations or render them obvious.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 571.272.6761. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571.272.7159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

571-273-6761 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

RER


WYNN W. COOGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600